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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,647	10/15/1999	TREVOR K. BYLSMA	1400.4100202	9158

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EXAMINER

FOX, JAMAL A

ART UNIT PAPER NUMBER

2664

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/418,647	Applicant(s) BYLSMA ET AL.	
	Examiner Jamal A Fox	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-10, 15, 18, 19 and 22 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 11, 12, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/13/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 6, 8-10, 15 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,389,464 to Krishnamurthy et al.

Referring to claim 1, Krishnamurthy et al. discloses a method for management of a network (col. 3 lines 62-67), comprising: receiving a new set of indicators corresponding to a node in the network (col. 4 lines 44-53, see the MIB files), wherein the new set of indicators includes functional characteristics (attributes of the device, col. 4 lines 44-53, here it is understood that the MIB files includes functional characteristics because a MIB is a SNMP compatible data structure that defines the functional groups and management objects of a unit or system) of the node; wherein each indicator of the new set of indicators corresponds to a particular functional characteristic (Web pages contain particular functional characteristics, Figures 4-29); storing the new set of indicators in a database (col. 4 lines 44-50), wherein the database includes sets of indicators corresponding to at least one additional node in the network (devices, col. 4 lines 27-32); and utilizing the database including the new set of indicators to perform network management functions (col. 4 lines 44-53, see devices to be managed from the site server).

Referring to claim 6, Krishnamurthy et al. discloses the method of claim 1, wherein the set of indicators further includes physical characteristics of the node (Fig. 6, ip\_address; Figures 8, 10-14, comnet 16 channel a/b serial switch; Fig. 17, null Driver, Parallel Driver, Async serial Port, Intelligent Async Serial Port).

Referring to claim 8, Krishnamurthy et al. discloses the method of claim 1, wherein performing network management functions further comprises configuring (configured, col. 6 lines 5-10; configure, col. 6 lines 20-25 and 45-50) path endpoints (Fig. 2 ref. signs 12a and 12b and respective portions of the spec.) in the network.

Referring to claim 9, Krishnamurthy et al. discloses the method of claim 1, wherein the network is a communications network that includes one or more of Time Division Multiplexing, Frame Relay (Ethernet, col. 5 lines 55-59, col. 6 lines 26-30, col. 6 line 45, col. 7 lines 25-30, col. 7 lines 35-38 and col. 11 lines 5-10), asynchronous transfer mode, and wireless network formats (wireless, col. 4 lines 1-6; CMIP and TMN, col. 4 lines 10-15).

Referring to claim 10, Krishnamurthy et al. discloses a method for communicating a set of characteristics of a node in a communication network, comprising: determining functional characteristics for the node (attributes of the device, col. 4 lines 44-53, here it is understood that the MIB files includes functional characteristics because a MIB is a SNMP compatible data structure that defines the functional groups and management objects of a unit or system); generating a set of indicators corresponding to the functional characteristics (col. 4, lines 43-53; here it is understood that the site server generates the indicators), wherein each indicator of the set of indicators corresponds to a particular functional characteristic (Web pages contain particular functional characteristics, Figures 4-29); and combining the set of indicators with

physical characteristic information of the node to produce the set of characteristics for the node (Fig. 6, ip\_address; Figures 8, 10-14, cornet 16 channel a/b serial switch; Fig. 17, null Driver, Parallel Driver, Async serial Port, Intelligent Async Serial Port).

Referring to claim 15, Krishnamurthy et al. discloses a network management processor (site server, col. 7 lines 14-30), comprising: a processing module (CPU, col. 7 lines 14-30); and memory (MIB, col. 4 lines 44-50) operable coupled to the processing module, wherein the memory includes operating instructions that cause the processing module to: store a received new set of indicators in a database (database, col. 4 lines 44-50), wherein the new set of indicators corresponds to a node in a network, wherein the database includes indicators corresponding to at least one additional node in the network (devices, col. 4 lines 27-32), wherein the new set of indicators includes functional characteristics of the node (attributes of the device, col. 4 lines 44-53, here it is understood that the MIB files includes functional characteristics because a MIB is a SNMP compatible data structure that defines the functional groups and management objects of a unit or system); wherein each indicator of the new set of indicators corresponds to a particular functional characteristic (Web pages contain particular functional characteristics, Figures 4-29); and perform network management functions (manage a particular device, col. 4 lines 44-64) based on the database including the new set of indicators.

Referring to claim 22, Krishnamurthy et al. discloses the method of claim 10, wherein each set of indicators includes indicators in a predetermined arrangement (Web pages contain predetermined arrangements, Fig. 4-29), wherein position arrangement corresponds to representation of a functional characteristic (Fig. 6, ip\_address; Figures 8, 10-14, cornet 16

channel a/b serial switch; Fig. 17, null Driver, Parallel Driver, Async serial Port, Intelligent Async Serial Port).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 7, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al. in view of Rose et al.

Referring to claim 4, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds. Rose et al. discloses MIBs with multiple hierarchical levels in (pages 5-7, 10-14 and 16-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds because MIBs are hierarchical data structures.

Referring to claim 7, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein performing network management functions further comprises determining routing paths in the network. Rose et al. discloses routing tables defined by MIBs on (page 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein performing network management

functions further comprises determining routing paths in the network because routing table entries are defined in MIBs.

Referring to claim 18, Krishnamurthy et al. discloses the network management processor of claim 15, but does not explicitly teach wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds. Rose et al. discloses MIBs with multiple hierarchical levels in (pages 5-7, 10-14 and 16-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds because MIBs are hierarchical data structures.

Referring to claim 19, Krishnamurthy et al. discloses the network management processor of claim 15, but does not explicitly teach wherein performing network management functions further comprises determining routing paths in the network. Rose et al. discloses routing tables defined by MIBs on (page 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein performing network management functions further comprises determining routing paths in the network because routing table entries are defined in MIBs.

***Allowable Subject Matter***

5. Claims 13, 14, 20 and 21 are allowed.
6. Claims 2, 3, 5, 11, 12, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 2/15/2005 have been fully considered but they are not persuasive. Applicant argued that Krishnamurthy et al. fails to disclose "receiving a new set of indicators corresponding to a node in the network..." "wherein the network is a communications network that includes one or more of ... wireless network formats." However, one skilled in the art would recognize that the MIB files are indicators that correspond to a node on the network and CMIP and TMN are wireless network formats.

Applicant argued that he cannot find teaching of a MIB being an SNMP compatible data structure that defines the functional groups and management objects of a unit or system. Official notice is taken for a MIB being an SNMP compatible data structure that defines the functional groups and management objects of a unit or system.

Applicant argued that Rose et al. does not teach the "multiple hierarchical levels within a node are the subtrees," but describes "a node under the enterprises subtree." However, one skilled in the art would recognize that each subtree within a particular node represents a hierarchical level. See the four nodes on page 5. Each of the four nodes, "directory", "mgmt", "experimental", and "private", have multiple hierarchical levels that are subtrees.

Applicant argued that Rose et al. fails to disclose "wherein performing network management functions further comprises determining routing paths in the network." Official notice is taken for routing tables contain entries that determine routing paths. Since it is explicitly stated that "an entry in a routing table might be defined in the MIB," "performing network management functions comprises determining routing paths in the network."



### Conclusion

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

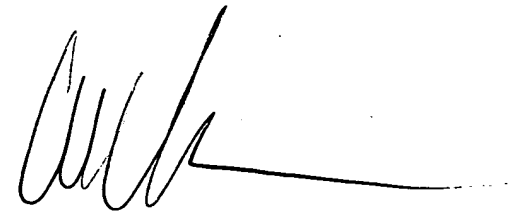
9. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The  
examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone numbers for the  
organization where this application or proceeding is assigned are (703) 872-9306 for regular  
communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 306-0377.



Jamal A. Fox

A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal line extending to the right.

**WELLINGTON CHIN**  
**SUPERVISORY PATENT EXAMINER**